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PTO/SB/21 (02-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/735,218 Application Number Filing Date December 12, 2003 TRANSMITTAL **FORM** First Named Inventor Robert E. Shostak Art Unit 2682 (to be used for all correspondence after initial filing) **Examiner Name** ₋ewis G. West 2101418-991102 Attorney Docket Number Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to Group Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Status Letter Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s) (please Identify below): Extension of Time Request Terminal Disclaimer Postcard; PCT Search Report Request for Refund **Express Abandonment Request** Information Disclosure Statement CD, Number of CD(s) Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Or Individual name Fimothy W. Lohse (Reg. No. 35,255) DLA Plper Rudnick Gray Cary US LLP Signature Julyz. 2006 Date CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Susan Pingue

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confide triality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

July **27**, 2006

PTO/SB/17 (12-04v2)
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for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (s)180.00

Complete If Known				
Application Number	10/735,218			
Filing Date	December 12, 2003			
First Named Inventor	Robert E. Shostak	-		
Examiner Name	Lewis G. West			
Art Unit	2682			
Attorney Docket No.	2101418-991102			

METHOD OF PAYMEN	T (check all	that apply)	_		_		
Check Credit	Card	Money Order	None	Other (please	identify):		
Deposit Account	Deposit Account Deposit Account Number: 07-1896 Deposit Account Name: DLA Piper Rudnick Gray Cary US LLPI						
For the above-ident	tified deposit	account, the Direct	or is hereby a	authorized to: (che	ck all that apply	y)	
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under 37 CFR			5 01 166(5)	Credit any o	verpayments		
WARNING: Information on th information and authorization			t card informa	tion should not be i	included on this	form. Provide cred	lit card
FEE CALCULATION							
1. BASIC FILING, SEA	RCH, AND	EXAMINATION	FEES	· · · · · · · · · · · · · · · · · · ·			
	FILING	FEES	SEARCH	FEES	EXAMINA	ATION FEES	
	9	Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	<u>Fee (\$)</u>	Fee (\$)	<u>Fee (\$)</u>	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEI	ES					<u></u>	mall Entity
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (inc	luding Reis	sues)				50	25
Each independent claim	over 3 (inc	luding Reissues)				200	100
Multiple dependent clair	ms					360	180
Total Claims	Extra Cla			<u>aid (\$)</u>		Multiple Depe	
- 20 or HP	•	× <u>50</u>	= <u>0</u>			Fee (\$)	Fee Paid (\$)
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3. APPLICATION SIZE If the specification		or avaced 100 ab	aata of none	u (avaludina ala	atronically fi	lad sassamaa an	
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4. OTHER FEE(S)			_ `	•	•		Fee Paid (\$)
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Registration No. 35,255 Signature Telephone 650-833-2055 (Attorney/Agent) Name (Print/Type) TIMOTHY W. LOHSE Date July **27**, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AmericanLegalt www.USCourtF.

Commissioner of Patents and Trademarks P.O. Box 1450, Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

(a)		accompanies	a new	patent	application	submitted	herewith.
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- (b) is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; OR
- (c) after the period defined in (b) but before the mailing date of a Final Rejection or Notice of Allowance, OR
- is filed after the first Office Action and more than three months after the (d) \boxtimes application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below OR
- is filed after the mailing date of either a final rejection or a notice of allowance, and (e) □ the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(I)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement: or
- (g) No item of information contained in the Information Disclosure Statement was cited П in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application. Copies of the references are enclosed.

180.00 DA

Attorney Docket No.: 2101418-991102

The Commissioner is authorized to charge to our Deposit Account No. 07-1896	e any deficiencies and credit any overpayment of fees
	Respectfully submitted,
Date: July <u>27</u> , 2006	DLA PIPER RUDNICK GRAY CARY US LLP
	By: Reg. No. Timothy W. Lohse (Reg. No. 35,255) Attorneys for Applicant(s) 2000 University Avenue East Palo Alto, CA 94303 650-833-2055

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July <u>**27**</u>, 2006

Date

Susan Pingue



Attorney Docket No.: 2101418-991102

Form PTO-1449	U.S. DEPT. OF COMMERCE	Attorney Docket Number:	Serial Number:
(modified 2/91)	Patent and Trademark Office	2101418-991102	10/735,218
INFORMATION DISCLO			
(Use several sheets if nece	ssary)		
		Applicant: Robert E. Shostak	
		Filing date: December 12, 2003	Group art unit: 2682

U.S. PATENT DOCUMENTS

Examiner Initial	Patent number	Date	Name	Class	Sub- class	Filing date if appropriate
	6,215,992	04-2001	Howell et al			
	6,150,951	11-2000	Olejniczak			
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FOREIGN PATENT DOCUMENTS

Document number	Date	Country	Class	Sub- class	Translation YES	NO
		<u> </u>				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

10	CT Search Report dated May 30, 2006 corresponding to the related PCT Patent Application US03/27374.	
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Examiner:	Date Considered:			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP '609; Draw line through citation if not in conformance and not considered. Include converted to the complete to the conformance and not considered.				